

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

MIGUEL GUTIERREZ, YOLANDA
GUTIERREZ, MARITZA GUTIERREZ, and
JUSTYN KUCERA,

Defendants.

8:13CR249

ORDER

Defendant MARITZA GUTIERREZ has moved to continue the trial currently set for September 10, 2013. (Filing No. 56). As explained in the motion, defense counsel is not available during the currently scheduled trial setting. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Maritza Gutierrez's motion to continue, (filing no. 56), is granted.
- 2) **As to all defendants**, the trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in the Special Proceedings Courtroom of the United States Courthouse, Omaha, Nebraska, at 9:00 a.m. on October 21, 2013, or as soon thereafter as the case may be called. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the defendant Maritza Gutierrez's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, **as to all defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and October 21, 2013, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant

additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

Dated this 20th day of August, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge